APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,286	03/27/2001	Matthew Charles Gauthier	44431/233641	9235

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EXAMINER
LE, MIRANDA

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/818,286	GAUTHIER ET AL.
	Examiner	Art Unit
	Miranda Le	2177

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _27 March 2001_ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-7_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _3_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In particular, the claimed invention (an HTML file format) is not supported by either a computer or a machine or manufacture for performing a process or a specific machine or manufacture, asserted utility or a well-established utility.

According to the Examination Guidelines for Computer Related Inventions, claims that are simply a merely manipulated abstract idea or a solution to a purely mathematical problem without any limitation to a practical application are Non-Statutory and are therefore not in compliance with 35 U.S.C. 101. In this case, a series of operational steps performed on a computer is claimed. These method steps cannot be achieved without a computer or a machine or manufacture for performing a process or a specific machine or manufacture, asserted utility or a well established utility. Also, the subject matter of these claims do not seem to rise to the level of manipulation of abstract ideas. According to the Examination Guidelines for Computer Related Inventions, 61 Fed. Reg. 7478 (1996), a computer related process must either: (1) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled

artisan or (2) be limited by the language in the claim to a practical application within the

technological arts.

Claims 1-3 simply do not specify that the subject result in any physical transformation,

the system being entirely abstract; nor is limited by language in the claims to a practical

application within the technological art. Therefore, these claims are not tied to something

concrete and tangible (see In re Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759; and In re

Schrader, 22 F.3d at 295, 30 USPQ2d at 1459).

Claims 1-3 are also rejected under 35 U.S.C. 112, first paragraph.

Specifically, since the claimed invention is not supported by either a computer or a

machine or manufacture for performing a process or a specific machine or manufacture or

asserted utility or a well established utility for the reasons set forth above, one skilled in the art

clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless:
>
> (e) the invention was described in
>
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
>
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only

4.   Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirsch et al. (US

Patent No. 6,466,966 B1).

Kirsch anticipated independent claim 1, by the following:

As per claim 1, Kirsch teaches "a redirection attribute associated with at least one

HTML data object tag that points to the alternative source file where the underlying source

associated with the data object is stored" at col. 8, lines 19-35, col. 7, lines 51-54.

As per claim 2, Kirsch teaches "the redirection attribute comprises a connection string

that points to a location where the underlying data source is stored" at col. 7, lines 24-51.

As per claim 3, Kirsch teaches "the connection string comprises a uniform resource

locator (URL)" at col. 7, lines 6-23, col. 10, lines 1-30.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 4-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch et al.

(US Patent No. 6,466,966), in view of Parthasarathy et al. (US Patent No. 6,347,398).

As per claim 4, Kirsch teaches "receiving a user command selecting at least one of the

plurality of data objects to import from a Web page into an application program" at col. 7, lines

24-38;

Kirsch teaches "if the HTML data object tag comprises a redirection attribute performing

the sequence comprising:

"retrieving the connection string from the redirection attribute" at col. 10, line 48 to col.

11, line 3, col. 7, lines 39-56;

"opening the alternative source file identified by the connection string" at col. 7, lines 56-

62;

"retrieving the underlying data source" at col. 7, line 63 to col. 8, line 18;

"importing the underlying data source into the application program" at col. 8, lines 19-30;

Kirsch does not expressly teach "retrieving an HTML data object tag associated with the

selected HTML data object". However, Parthasarathy teaches this limitation at col. 9, line 63 to

col. 10, line 3.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the

invention to modify the teachings of Kirsch with the teachings of Parthasarathy to include

"retrieving an HTML data object tag associated with the selected HTML data object" in order to

provide a method that relates to browsing of information on computer networks, as taught by

Parthasarathy at col. 1, lines 10-11.

Kirsch does not explicitly teach "determining if the HTML data object tag comprises a

redirection attribute, the redirection attribute comprising a connection string that identifies an

alternative source file where the underlying data source associated with the selected data object

is stored". However, Parthasarathy teaches this limitation at col. 10, lines 4-14.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the

invention to modify the teachings of Kirsch with the teachings of Parthasarathy to include

"determining if the HTML data object tag comprises a redirection attribute, the redirection

attribute comprising a connection string that identifies an alternative source file where the

underlying data source associated with the selected data object is stored" in order to provide a

method and system that allow any software component, including dynamic and interactive

multimedia components, to be described with a standard tag in a HTML document, as taught by

Parthasarathy at col. 3, lines 27-30.

Kirsch does not specifically teach "if the HTML data object does not comprise a

redirection attribute, then importing the HTML data object from the Web page into the

application program". But, Parthasarathy teaches this limitation at col. 11, lines 21-26.

Thus, it would have been obvious to one ordinarily skilled in the art at the time of the

invention to modify the teachings of Kirsch with the teachings of Parthasarathy to include "if the

HTML data object does not comprise a redirection attribute, then importing the HTML data

object from the Web page into the application program" in order to provide a method and system

that allow any software component, including dynamic and interactive multimedia components,

to be described with a standard tag in a HTML document, as taught by Parthasarathy at col. 3,

lines 27-30.

As per claim 5, Kirsch teaches "determining whether a redirection flag associated with

the HTML data object is disabled" at col. 9, lines 40-67;

if the redirection flag is not disabled, performing the sequence comprising:

"retrieving the connection string from the redirection attribute" at col. 10, line 48

to col. 11, line3, col. 7, lines 39-56;

"opening the alternative source file identified by the connection string" at col. 7,

lines 56-62;

"retrieving the underlying data source associated with the HTML data object" at

col. 7, line 63 to col. 8, line 18;

"importing the underlying data source associated with the HTML data object into

the application program" at col. 8, lines 19-30;

Parthasarathy teaches "if the redirection flag is disabled, importing the HTML data object

from the Web page to the application program" at col. 11, lines 21-26.

As per claim 7, Kirsch teaches "the connection string comprises a uniform resource

locator (URL)" at col. 7, lines 6-23, col. 10, lines 1-30.

7.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch et al. (US

Patent No. 6,466,966).

As per claim 6, Kirsch does not expressly teach "the HTML data object is selected from

a list consisting essentially of TABLE, PRE, XMP, LISTING, and PLAINTEXT". However, it

would have been obvious for one of ordinary skill in the art at the time the invention was made

to modify the Kirsch system to include "the HTML data object is selected from a list consisting

essentially of TABLE, PRE, XMP, LISTING, and PLAINTEXT" in order to provide a system

and method of reliability tracking and redirecting hyper-link references to external server system,

as taught by Kirsch at col. 5, lines 9-10.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The
examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit
is (703) 746-7238. The TC 2100's Customer Service number is (703) 306-5631.

        Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 305-3900.

Miranda Le

May 30, 2003

GRETA ROBINSON
PRIMARY EXAMINER